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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,478	08/07/2003	Fang Liu	3897-0109P	1081
2292	7590	07/01/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WONG, STEVEN B	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/635,478

Applicant(s)

LIU ET AL.

Examiner

Steven Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8-7-2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claims Rejections – 35 USC 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 17, the language describing the interfaces is inapt and indefinite. It is unclear exactly what the plurality of interfaces and pattern are defining.

In claims 2, 10-13, the language “known” should be deleted from the claim.

In claim 15, the language describing the book shelf and element combined with the book shelf is both inapt and unclear in positively defining the structure. The language does not clearly describe the relationship between the bookshelf and the element and how the game provides a function to the bookshelf.

In claim 16, the language is unclear in describing the relationship between the element and the game table and how the body is “combined” with the game table.

***Claims Rejections – 35 USC 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10, 12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorio. Regarding claims 1 and 17, Gorio discloses a toy comprising a plurality interconnectable elements (5, 13). The elements include a relatively large outer face and a relatively small inner face (note Figures 2-6).

Regarding claims 10 and 12, Gorio includes male and female connecting elements (7, 8, 15, 16).

***Claims Rejections – 35 USC 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 11, 13, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorio. Regarding claims 2 and 18, it would have been obvious to one of ordinary skill in the art to form the elements from plastic in order to take advantage of that material's well known physical characteristics. Further, it would have been obvious to one of ordinary skill in the art to provide printing on the surface of the toy in order to advertise a particular manufacturer.

Regarding claims 11 and 13, it would have been obvious to one of ordinary skill in the art to replace the male/female connectors with adhesive material or magnetic elements in order to provide other well known fastening elements.

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Regarding claims 15 and 16, insofar as these claims may be understood, it would have been obvious to one of ordinary skill in the art to place the toy of Gorio on a book shelf or board in order to amply support the toy when not in use.

7. Claims 3-9, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorio in view of Nystad et al. Note column 4, lines 14 and 15 of Gorio stating that other objects may be imitated by the toy. However, Gorio lacks the teaching for the pieces to comprise longitudinal and latitudinal lines as claimed.

Nystad discloses a globe puzzle comprising a plurality of pieces that run along the longitudinal and latitudinal lines of a globe. It would have been obvious to one of ordinary skill in the art to form the pieces of Gorio in the shapes taught by Nystad in order to have the toy imitate a world globe. The particular limitations for the longitudinal and latitudinal edges have been determined to be obvious given the teachings of Nystad. The applicant is invited to demonstrate the criticality for the recited edges by a showing of a new and unexpected result obtained therefrom.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorio in view of Nystad et al. and Miller. Miller discloses that it is well known in the art of globe puzzles to provide additional layers to the puzzle to simulate various other terrain or conditions for the globe. It would have been obvious to one of ordinary skill in the art to provide the puzzle of Gorio as modified by Nystad et al. with additional layers in order to simulate various other terrain of the world.

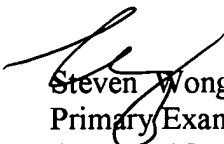
*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 703-308-3135. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven Wong  
Primary Examiner  
Art Unit 3711

SBW  
June 24, 2004